

1

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

VILLAGE OF FOX RIVER GROVE, ILLINOIS,)

Petitioner,)

v.)

**UNION PACIFIC RAILROAD COMPANY (UP)
and the STATE OF ILLINOIS, DEPARTMENT OF
TRANSPORTATION (IDOT),**)

Docket No. T04-0075

Respondents.)

Petition to 1) widen the existing concrete pavement)
on US Route 14 (Northwest Highway) at Algonquin)
Road to the south to provide a 150' right turn lane)
for eastbound to southbound right turning vehicles;)
2) reconfigure the existing train station parking lot)
on the south side of US Route 14; 3) widen the radius)
of the southwest corner of the intersection of US Route)
14 and Algonquin Road to provide a wider pavement)
area for right turns by single-unit trucks and buses;)
4) relocate traffic and railroad signal posts and)
gate arm behind proposed curb and gutter; 5) replace)
wiring for said signal posts; 6) move the existing)
conduit and wiring for the traffic signal interconnect)
with Lincoln Avenue along the right turn lane and)
right turn taper length; 7) replace the detector)
loops on the west leg at the US Route 14 and)
Algonquin Road intersection; and 8) install a longer)
crossing gate at the intersection of US Route 14)
and Algonquin Road.)

ILLINOIS COMMERCE
COMMISSION
2005 JUN 23 P 2:09
TRANSPORTATION DIV

JOINT LIST OF CONTESTED ISSUES

NOW COMES Petitioner, Village of Fox River Grove, by and through its attorneys, Peter
M. Rosenthal, Judith N Kolman and Rosenthal, Murphey & Coblentz, and on behalf of Respondents

DOCKETED

JUN 24 2005

DP-BC

Union Pacific Railroad Company (the "Railroad") and the State of Illinois, Department of Transportation (IDOT), submit a Joint List of Contested Issues and/or Statements:

PETITIONER'S, VILLAGE OF FOX RIVER GROVE, LIST OF CONTESTED ISSUES

1. Whether the proposed right turn lane at the intersection of Algonquin Road and U.S. Route 14- Northwest Highway (the "Proposed Right Turn Lane") will increase traffic safety at the intersection of Northwest Highway and Algonquin Road in the Village of Fox River Grove.
2. Whether the Proposed Right Turn Lane will increase, decrease, or have no effect on the safety of vehicles, particularly vehicles with a wheelbase of fifty-five feet ("WB 55 Vehicles"), which are turning right from Northwest Highway onto Algonquin Road, and then crossing the Union Pacific Railroad Tracks at the Algonquin Road grade crossing.
3. Whether the Proposed Right Turn Lane will enhance air quality.
4. Whether after the Proposed Right Turn Lane is installed, the Algonquin Road grade crossing of the Union Pacific Railroad Tracks will be more dangerous for pedestrians and vehicular traffic than it is currently.
5. Whether the Proposed Right Turn Lane will reduce traffic congestion on Northwest Highway.
6. Whether the relocation of the Railroad's northern signal mast and gate to a point south and west of their present locations at the intersection of Algonquin Road and Northwest Highway will reduce the effectiveness of the railroad signals by making the signals less visible to motorists traveling in vehicles on Northwest Highway.
7. Whether the proposed relocation of the northern signal mast will require the Railroad to install a longer gate arm on the gates at the Algonquin Road grade crossing, and if so whether the

longer gate arms would be more vulnerable to damage from high winds and vehicular traffic than the gate arms currently located at the grade crossing.

8. Whether the installation of the Proposed Right Turn Lane and the resulting modifications to the width of Algonquin Road will require that the arms on the gates at the Algonquin Road Grade Crossing will have to be longer than 30 feet.

9. Whether the safety of pedestrians utilizing the crosswalks located in the vicinity of the Algonquin Road \ Northwest Highway Intersection will be materially reduced on those occasions when the traffic signal display for northbound Algonquin Road turns green upon the approach of a train.

10. Whether there will be less encroachment into the north bound lanes of Algonquin Road by a WB 55 Vehicle making a right hand turn from Northwest Highway onto Algonquin after the Proposed Right Turn Lane is installed than there is under existing conditions.

11. Whether the installation of the Proposed Right Turn Lane constitutes what would be classified as a "3R (widening, resurface, rehabilitation project) project" rather than a project which involves the rehabilitation and redesign of the intersection under the classification criteria established by IDOT.

12. Whether the ICC has the authority to review and overrule a determination by IDOT as to what the appropriate design vehicle is to be used in connection with the design of the Proposed Right Turn Lane, and if so whether the B40 (bus) vehicle, the design vehicle approved and utilized by IDOT to evaluate the Proposed Right Turn is the appropriate and proper design vehicle to be utilized.

13. Whether the Manual On Uniform Traffic Control Devices (the "MUTCD") applies

to the design of the Proposed Right Turn Lane and any modifications that would result from the installation to the Proposed Right Turn Lane to the intersection of Northwest Highway and Algonquin Road and the Algonquin Road grade crossing, beyond specifying the signage, pavement markings and signalization and other traffic control devices that are required to be installed at the intersection and the grade crossing.

14. Whether the MUTCD establishes standards for determining the length of vehicles that are to be used in designing intersections or determining what the proper geometry of an intersection should be.

15. Whether the benefits to be obtained from installing the Proposed Right Turn Lane in terms of increasing traffic safety on Northwest Highway, reducing traffic congestion on Northwest Highway, increasing air quality, outweigh any possible adverse effect that the installation of the Proposed Right Turn Lane might have with regard to traffic utilizing the Algonquin Road grade crossing, taking into account (a) the current conditions which exist at the grade crossing, (b) the fact that the grade crossing as it currently exists requires a WB 55 vehicle turning right onto southbound Algonquin Road from Northwest Highway to encroach upon the northbound traffic lanes of Algonquin Road, and (c) the potential hazards to vehicular traffic that currently exist at the grade crossing.

RESPONDENT UP'S STATEMENT AND LIST OF CONTESTED ISSUES

A. STATEMENT

UP will not grant any of its rights of way for the construction of a right turn lane for eastbound U.S. 14 at Algonquin Road, regardless of the design of the right turn lane. However, UP will consider granting the right of way for the improvement of right turning vehicles from U.S. 14

to Algonquin Road (radius improvement only) if said movements will not encroach on northbound Algonquin Road traffic.

B. LIST OF CONTESTED ISSUES

1. Whether the design vehicle used by Petitioner should be a WB-55 instead of a B-40 to accommodate existing usage of the intersection and highway/railroad grade crossing.

The Illinois Department of Transportation and the staff of the Illinois Commerce Commission did not submit any issues to be included in this statement.

Respectfully submitted,
Village of Fox River Grove

Peter M. Rosenthal
Peter M. Rosenthal
Rosenthal, Murphey & Coblentz
Attorneys for the Village
of Fox River Grove

Peter M. Rosenthal
Judith N. Kolman
Rosenthal, Murphey & Coblentz
30 North LaSalle Street, Ste. 1624
Chicago, IL 60602
Tel: 312-541-1070
Fax: 312-541-9191

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

VILLAGE OF FOX RIVER GROVE, ILLINOIS,)

Petitioner,)

v.)

UNION PACIFIC RAILROAD COMPANY (UP))

and the STATE OF ILLINOIS, DEPARTMENT OF)

TRANSPORTATION (IDOT),)

Respondents.)

Docket No. T04-0075

**Petition to 1) widen the existing concrete pavement
on US Route 14 (Northwest Highway) at Algonquin
Road to the south to provide a 150' right turn lane
for eastbound to southbound right turning vehicles;
2) reconfigure the existing train station parking lot
on the south side of US Route 14; 3) widen the radius
of the southwest corner of the intersection of US Route
14 and Algonquin Road to provide a wider pavement
area for right turns by single-unit trucks and buses;
4) relocate traffic and railroad signal posts and
gate arm behind proposed curb and gutter; 5) replace
wiring for said signal posts; 6) move the existing
conduit and wiring for the traffic signal interconnect
with Lincoln Avenue along the right turn lane and
right turn taper length; 7) replace the detector
loops on the west leg at the US Route 14 and
Algonquin Road intersection; and 8) install a longer
crossing gate at the intersection of US Route 14
and Algonquin Road.**)

CERTIFICATE OF SERVICE

**TO: Dave Lazarides, Processing Director
Transportation Division
Illinois Commerce Commission
527 East Capital Avenue
Springfield, IL 62701**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil procedure, the undersigned certifies as true that she served the Fox River Grove Petition upon the following by placing copies of same into envelopes correctly addressed as aforesaid and bearing sufficient postage prepaid and depositing same in the U.S. Mail at 30 North LaSalle Street, Chicago, Illinois 60602 before 5:00 p.m. on June 23, 2005:

Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 North Wacker Drive
Suite 1920
Chicago, IL 60606

Victor Modeer, Director
Division of Highways
Illinois Department of Transportation
2300 S. Dirksen Parkway Room 300
Springfield, IL 62764

CT Corporation System
ATTN: Jeff Harpring
Union Pacific Railroad Company
208 South LaSalle Street
Chicago, IL 60604

Dan Powers
Illinois Commerce Commission
527 E. Capitol Street
6th floor
Springfield, IL 62701

Dave McKernan
Union Pacific Railroad Co.
100 North Broadway, Suite 1500
St. Louis, MO 63102

Thomas Benson
Illinois Department of Transportation
2300 S. Dirksen Parkway, Suite 300
Springfield, IL 62764

and by personally delivering a copy to the following individuals before 5:00 p.m. on June 23, 2005:

Diana Collins
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601

Bernadette Cole
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601

Peter M. Rosenthal

PETER M. ROSENTHAL
JUDITH N. KOLMAN
ROSENTHAL, MURPHEY & COBLENTZ
30 North LaSalle Street
Suite 1624
Chicago, Illinois 60602
Phone: 312-541-1070
FAX: 312-541-9191